

Appl. No. 10/770,926
Amdt. dated May 12, 2005
Reply to Office Action of February 25, 2005

Remarks

The present amendment responds to the Official Action dated **Error! MergeField was not found in header record of data source.** The Official Action rejected claims 1, 2 and 4 under 35 U.S.C. 102(b) based on Bogdahn U.S. Patent No. 6,148,773 (Bogdahn). Claim 6 was rejected under 35 U.S.C. 103(a) over Bogdahn in view of Boughton et al. U.S. Patent No. 6,619,313 (Boughton). Claims 7-9 were rejected under 35 U.S.C. 103(a) over Bogdahn in view of Vaccari US 2003/0145804 (Vaccari). Claims 10, 11 and 13 were rejected under 35 U.S.C. 102(e) based on Vaccari. Claim 12 was rejected under 35 U.S.C. 103(a) over Vaccari in view of Boughton. Claims 14 and 15 were rejected under 35 U.S.C. 102(a) based on Boughton. Claim 13 was rejected under 35 U.S.C. 112, second paragraph, as indefinite. Claims 3, 12 and 16-18 were objected to as informal. Claims 3 and 5 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Various informalities were also noted in the drawings and the specification. Finally, claims 16-18 were indicated to be allowable subject to the correction of the noted informalities in claim 16. The grounds of rejection are addressed below. The specification has been amended to address the informalities noted by the Examiner and to correct typographical errors noted upon reviewing this application. Claims 3 and 5 have been canceled without prejudice and rewritten in independent form as newly presented claims 19 and 20. Claims 1, 10, 12, 14 and 16 have been amended to be more clear and distinct. Claims 1, 2, 4 and 6-20 are presently pending.

Appl. No. 10/770,926
Amdt. dated May 12, 2005.
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Form Objections and Section 112 Rejection

At pages 4 and 5, the Official Action objects to a number of informalities in the specification and drawings, and rejects claim 13 as indefinite. The Examiner is thanked for his careful review of the present application and his suggestions for addressing the noted informalities. In reviewing the present application, a number of additional minor errors of a typographical nature or the like were also noted. These items are addressed herein as follows:

At page 3, line 11, the word --the-- has been inserted between "pivot" and "ratchet".

At page 4, line 17, the Examiner's suggestion to amend "Outer End" to read --Lever-- has been adopted.

At page 5, line 20, "outer end 24" has been amended to read --outer end 25-- to address the Examiner's objection to the previous redundant use of the numeral 24 to refer to two different elements. This change is consistent with the Drawing Reference Numerals table on page 4 and with the numbering in the drawings. It is further noted that this change also addresses the Examiner's objection to Figure 2. Lead line 24 is correct for spring 24 and lead line 25 is correct for outer end 25.

At page 5, line 21, "lever 14" is corrected to read --lever 30-- in two places. As clearly seen in Fig. 2, for example, inner end 23 is a part of lever 30 and not toggle lock 14.

At page 8, line 1, the word --and-- is inserted between "housing 42" and "a separate clip 43".

At page 8, line 10, a --,-- is inserted after "In this example" and "teethed" is changed to --toothed-- per the Examiner's suggestion.

Appl. No. 10/770,926
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As noted above, the drawing objection to Fig. 2 is addressed by the correction of the specification at page 5, line 20 discussed above.

Turning to the claims, claim 3 has been canceled and rewritten in independent form as newly presented claim 19. In claim 19, "an" has been changed to --said--. Rather than inserting "and" (presumably "end" was meant), the wording has been amended to read --when said outer end of said lever" for improved clarity. Also, "pivot" has been changed to --pivots-- as suggested. Finally, --said-- has been inserted before "reel" in claim 12, again as suggested by the Examiner. Claim 16 has been amended in the same manner as claim 3.

With respect to the 35 U.S.C. 112, second paragraph rejection of claim 13, reconsideration is requested. The "leash securing device" of this claim refers to an additional element such as the exemplary leash securing device 46 of Fig. 9 which employs a toothed slot 47 in notch 17 so the leash can be secured to fix the length of the loop. See, for example, page 8, lines 4-13.

The Art Rejections

As addressed in greater detail below, Bogdahn, Boughton and Vaccari do not support the Official Action's reading of them and the rejections based thereupon should be reconsidered and withdrawn. Further, the Applicant does not acquiesce in the analysis of these items made by the Official Action and respectfully traverses the Official Action's analysis underlying its rejections.

One aspect of the present invention addressed is related to the advantageous "momentary unidirectional lock" claimed by claim 1. As discussed in connection with Fig. 3, when the outer end 25 of hinged lever 30 is pulled by a user closing his or her hand on it, inner end 23 is lowered

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allowing spring 27 to push hinged ratchet 26 down into position so that ramp 28 blocks a cog so as "to prevent reel rotation in a release direction" in the words of claim 1. Thus, if a dog on a leash pulls, no additional leash is fed out of slot 16. By contrast, as slack occurs, for example, when the dog waits or hesitates, spring 22 rewinds reel 21 and the cogs push ratchet 26 up out of their way so that slack is taken up as it occurs. In the words of claim 1, the claimed arrangement cooperates so as "to permit reel rotation in a retract direction over the full range of rotation of the reel as slack occurs." This approach to slack pick up is highly advantageous because it keeps the leash relatively taut so the leash is less likely to get tangled in a dog's legs. However, if the dog then tries to lunge forward or simply pulls ahead, the ratchet 26 again serves to block the cog 33 so that when the momentary unidirectional lock is engaged, no further leash is fed out.

Bogdahn does not operate in this manner. Regarding Bogdahn, the Official Action suggests that "pressing lock element sufficiently to engage a tooth 25 but not the outer periphery of the reel would prevent the leash 3 from being unspooled while yet permitting reel rotation in a direction of back retraction". A careful reading of Bogdahn makes it clear that any such rotation in the direction of leash retraction is incidental and occurs over the very limited range of motion between Bogdahn's breaking teeth 25. Such limited rotation in the direction of leash retraction would not serve to effectively take up leash slack. Bogdahn does not teach and does not make obvious claim 1 as presently amended which now reads "over the full range of rotation of the reel as slack occurs."

Turning to claim 6, as an initial matter, the suggestion that one would look to Boughton's hose reel as a source to modify Bogdahn's leash arrangement is traversed generally. More

Appl. No. 10/770,926
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specifically, as described in the Boughton hose reel patent, the dampening is employed in order to prevent momentum resulting from the rotation of the drum in the second direction (unwinding) from causing overrun. However, as stated in the present application, the intent of adding a damper to a retractable leash is "to limit retraction speed". In other words, the present invention's use of dampening concerns rotation of the spool in the direction opposite that of Boughton's hose reel. The use of dampening in the present application is to prevent injury to the user when a bolt clip or other fastener at the end of the lead slips back as the spool retracts, potentially hitting the user unless the retraction is mitigated by the use of a dampener or other speed controlling mechanism. The claimed leash does not exhibit the problem of "overrun" that is described in Boughton and likewise Boughton does not have the same issue that the claimed leash does in terms of whip-back concern. The intent of dampening is substantively different--acting primarily to dampen the spool in entirely different directions in each case.

Further, the failure of Bogdahn, as well as others, to even apparently recognize the problem in the claimed context is evidence of nonobviousness rather than obviousness.

Claim 10 has been amended, and now clearly distinguishes Vaccari.

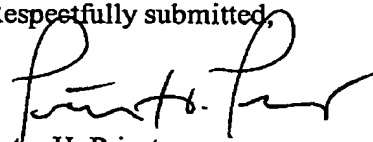
With respect to claim 14, the suggestion that Boughton anticipates because a garden hose purportedly could be utilized as a pet leash appears to border on the absurd. Nonetheless, claim 14 has been amended to make clear it addresses a portable, handheld device. Quite simply, a hose is not a leash and would not be understood as such. Boughton does not anticipate, and as discussed above in connection with claim 6 does not make obvious the present claims.

Appl. No. 10/770,926
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Conclusion

All of the presently pending claims, as amended, appearing to define over the applied references, withdrawal of the present rejection and prompt allowance are requested.

Respectfully submitted,



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